

United States District Court

for

District of Guam

FILED

DISTRICT COURT OF GUAM

AUG 18 2005 *af*

MARY L.M. MORAN
CLERK OF COURT

Report on Offender Under Supervision

Name of Offender: Patrick J. Palomo

Case Number: 88-00056-001

Name of Sentencing Judicial Cristobal C. Duenas

Date of Original Sentence: February 3, 1989

Original Offense: Possession with Intent to Distribute Heroin, in violation of Title 21 U.S.C. § 841

Original Sentence: 15 years imprisonment followed by three years special parole On April 2, 1994, he was paroled by the U.S. Parole Commission with an expiration date of February 2, 2004. On June 26, 1997, Mr. Palomo's parole was revoked and he was ordered to serve four months with credit for time served. On July 24, 1997, he was released from imprisonment and returned to parole supervision with the same expiration date of February 2, 2004. In February 2000, after two positive urine tests, Mr. Palomo was ordered by the Parole Commission to perform 50 hours of community service. He was arrested under a Parole Commission warrant in June 2000 and charged with the use of unlawful drugs. In September 2000, the Commission released Mr. Palomo back to parole without revoking his parole and his conditions were modified to include participation in a drug aftercare program. In December 2000, a report was submitted to the Commission alleging that Mr. Palomo violated his conditions by using dangerous and habit-forming drugs. On June 23, 2001, the Commission sent him a letter of reprimand. On June 25, 2001, a violation report was submitted to the Commission for further violations of his drug aftercare conditions. On March 25, 2002, parole was again revoked and Mr. Palomo was ordered to serve 10 months with credit for time served. He was released from imprisonment on September 7, 2002. Among other conditions, Mr. Palomo was ordered to participate in a drug and mental health treatment program, and abstain from alcohol and other intoxicants before and after treatment. On April 2, 2003, Mr. Palomo's conditions were modified to include 100 additional hours of community service as a sanction for a positive urinalysis on March 10, 2003. Mr. Palomo's term of parole expired on February 2, 2004. On September 28, 2004, he was resentenced to a term of supervised release pursuant to Supreme Court decision, Gozlon-Peretz v. United States.

Type of Supervision: Supervised Release

Date Supervision September 28, 2004

NONCOMPLIANCE SUMMARY

Violation Number Nature of Noncompliance

Standard The defendant shall not use any controlled substance, except as prescribed by a physician.

Violation of Supervised Release conditions.

On July 5, 2005, Mr. Palomo tested presumptive positive for amphetamine. He denied any illegal drug use and the specimen was sent to Quest Laboratories for analysis. On July 14, 2005, confirmation was received from the laboratory that the specimen was positive for d-methamphetamine. Mr. Palomo subsequently admitted to using "ice" prior to July 5, 2005. On July 22 and 25, 2005, Mr. Palomo again tested positive for methamphetamine. He admitted to using "ice" on one occasion, around July 21, 2005. Mr. Palomo's physician, Dr. William Weare, a Family Practitioner with the Department of Public Health and Social Services stated that Mr. Palomo has Hepatitis C and Chronic Liver Failure. He opined that it is reasonable to assume that because Mr. Palomo's liver is not functioning properly, drugs will remain in his body a few more days than another individual with a functioning liver.

On April 16, 2005, Mr. Palomo completed the one year drug testing and treatment program after several years of struggling to remain in compliance with the program policies and procedures. He has since been returned to the drug treatment program. Mr. Palomo is sporadically employed as a mechanic performing odd jobs.

This officer recommends that no action be taken at this time and that Mr. Palomo be given another opportunity to comply with his release conditions.

Reviewed by:

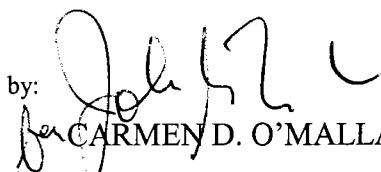
Respectfully submitted,



ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 8/9/05



CARMEN D. O'MALLAN

U.S. Probation Officer Specialist

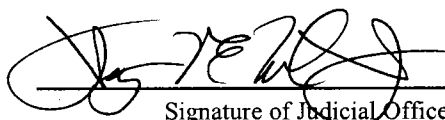
Date: 8/9/2005

No Response is necessary unless the court directs that additional action be taken as follows:

- ☐ Submit a Request for Modifying the Condition of Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

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HAGATNA, GUAM



Signature of Judicial Officer

8/18/2005

Date

ORIGINAL